

***City Council  
Legal Review Committee  
Meeting Agenda***

**February 21, 2019  
City Hall, Spruce Room  
749 Main Street  
8:30 AM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes January 15, 2019
- V. Public Comments on Items Not on the Agenda
- VI. Discussion/Direction – Process/Procedures for Consideration of Complaints  
Against Employees Appointed Directly by the City Council
- VII. Discussion/Direction – Draft Ordinance Amending Parks and Open Space  
Regulations
- VIII. Discussion Items for Next Meeting March 19, 2019, 6:00 pm
  - Annual Evaluations of Appointed Officials
- IX. Adjourn

***City Council  
Legal Review Committee  
Meeting Minutes***

**January 15, 2019  
749 Main Street  
5:00 PM**

**Call to Order** – Councilmember Leh called the meeting to order at 5:07 pm.

**Roll Call:** The following members were present:

***Committee Members: Chris Leh, City Council  
Sue Loo, City Council  
Ashley Stolzmann, City Council***

***Staff Present: Meredyth Muth, City Clerk  
Heather Balser, City Manager  
Megan Davis, Deputy City Manager  
Kathleen Kelly, City Attorney***

**APPROVAL OF AGENDA**

The agenda was approved as presented.

**APPROVAL OF OCTOBER 30, 2018 MINUTES**

The minutes were approved as amended.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None.

**DISCUSSION/DIRECTION – EVALUATION PROCESS FOR JUDGE,  
PROSECUTING ATTORNEY, WATER ATTORNEY, AND CITY ATTORNEY**

Muth stated this item is a continuation of a discussion from October 30. Staff has brought a general process and questions for the Council to consider for an annual evaluation of those employees appointed directly by the City Council. Members reviewed the proposed process and questions and gave feedback.

Muth asked members if they want to include a self-evaluation for each employee. City Manager Balser suggested including one as it helps identify goals. Members agreed they would like to include one.

Muth noted that for each of these positions there are a very limited number of staff members who will be completing evaluation forms so answers may be attributable to individuals. She asked if there was any concern with not having anonymity. Members discussed this but the consensus was this was not a concern.

Councilmember Leh stated the City needs some kind of bypass or report information directly to the City Council that might be more sensitive particularly related to or from the Judge or Prosecuting Attorney. City Manager Balser stated staff will have to determine a process. Councilmember Leh stated the City should have a formal process in place. This will be a future agenda item.

Members directed staff to include provisions for such issues as harassment and a complaint procedure be added to the contracts for appointed officials. This should be done before new contracts are signed.

Muth asked if the evaluation forms should be shared with those being evaluated prior to the process beginning. All agreed it is a good idea for each person to know what the evaluation entails.

Muth asked if members wanted to do an evaluation of the Deputy Municipal Judge as well as the Municipal Judge. Councilmember Leh said yes; perhaps a pared down version. Councilmember Loo was concerned he is harder to observe as he has fewer court sessions. Councilmember Leh said the Committee simply does its best with that.

#### **MUNICIPAL JUDGE**

Members reviewed the process and questions.

Councilmember Loo noted she won't be able to judge "if the rulings are based on law" or not. Councilmember Leh will work on the wording.

Councilmember Loo suggested adding a section for each reviewer to add anything else; an open-ended section. Everyone agreed.

#### **PROSECUTING ATTORNEY**

Muth stated she would like to add an evaluation from the directors who work with the Prosecuting Attorney: Police Department, Planning, & Finance specifically.

Councilmember Loo asked if staff could also get evaluations from the court-appointed attorneys we use as well. Councilmember Stolzmann noted that would be a small sample size. Staff will add this to the process.

#### CITY ATTORNEY

Councilmember Stolzmann suggested whittling down the number of questions and having them be higher level questions.

Councilmember Leh asked City Attorney Kelly to identify which questions may elicit the best information for the Council for her.

Members reviewed the proposed form and made edits.

#### WATER ATTORNEY

Councilmember Stolzmann stated it is hard to evaluate the water attorney as he does not attend the Utility Committee meetings. The Council has very little contact with him.

Members decided to have only staff (the Public Works Director and Water Resources Engineer) and the City Attorney complete the review forms for the water attorney. They will use the same questions as the City Attorney evaluation forms.

#### EVALUATION SCALE

Members reviewed the proposed evaluation scale and asked that an option for "Don't Know" be included with the answer scale.

#### **DISCUSSION ITEMS FOR NEXT MEETING FEBRUARY 21, 8:30 AM**

- **OPEN SPACE AND PARKS REGULATIONS DRAFT ORDINANCE**

No discussion.

#### **ADJOURN**

The meeting was adjourned at 6:47 pm

**SUBJECT:** DISCUSSION/DIRECTION – PROCESS/PROCEDURES FOR  
CONSIDERATION OF COMPLAINTS AGAINST EMPLOYEES  
APPOINTED DIRECTLY BY THE CITY COUNCIL

**DATE:** FEBRUARY 21, 2019

**PRESENTED BY:** MEREDYTH MUTH, CITY CLERK

**SUMMARY:**

Mayor Muckle and Councilmember Leh would like the Committee to discuss creating a process for the Council to consider for how complaints against employees appointed directly by the City Council are handled.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Discussion/Direction

**ATTACHMENT(S):**

None.

**SUBJECT:                   ORDINANCE NO. 1760, SERIES 2019 – AN ORDINANCE  
AMENDING TITLES 4 AND 14 OF THE LOUISVILLE MUNICIPAL  
CODE CONCERNING REGULATIONS OF CITY OPEN SPACE  
AND PARKS**

**DATE:                       FEBRUARY 21, 2019**

**PRESENTED BY:   NATHAN MOSLEY, DIRECTOR OF PARKS, RECREATION, AND  
OPEN SPACE**

**SUMMARY:**

With the addition of a Ranger Naturalist Program, the Parks, Recreation, and Open Space Department has reviewed the Open Space and Park Titles of the Louisville Municipal Code. Portions of the current Titles have not been updated since 1977. As such, some policies are out of date and the language is difficult to interpret. Staff has also compared the Louisville Municipal Code to the ordinances of similar municipalities to ensure Louisville remains consistent across the region in Open Space and Park regulations and socio-political trends.

While the Municipal Code is a necessary tool for Rangers to perform their job duties, the code does not set the vision for the Louisville Ranger program. The Louisville Ranger program is envisioned to be a small-town, community oriented program that supports visitors in having safe, informed, responsible, and enjoyable experiences in Open Space and Parks.

Parks & Recreation Department staff recommends the following revisions to Municipal Code:

1. Clarify and authorize the Ranger-Naturalist to enforce prohibitions in the parks and open space titles
2. Authorize the Ranger-Naturalist and law enforcement officers to enforce the prohibitions in the open space title on jointly-owned open space, and establish that citations issued on jointly-owned open space are returnable to the Louisville Municipal Court (subject to future agreements between the City and applicable co-owning authorities)
3. Extend the prohibitions in the parks title to include the Louisville Cemetery
4. Revise the Open Space and Parks Titles to add new prohibitions, and to improve transparency and ease of interpretation by clarifying language and restructuring the titles so that similar prohibitions are grouped together and so that the titles have parallel structure.

A draft ordinance was reviewed by the Open Space Advisory Board on April 11, 2018 and by the Parks and Public Landscaping Advisory Board on May 3, 2018. Recommendations were solicited from both boards and factored into final staff edits.

The Parks and Public Landscaping Advisory Board was supportive of adding language to prohibit smoking and drones on Park lands.

Legal staff drafted the Municipal Code additions and amendments for City Council 1<sup>st</sup> Reading on July 17, 2018. Council Members ruled that the documents be reviewed by the Legal Review Committee with special attention to evaluating amendments prohibiting smoking in City of Louisville Park properties.

The City Council Legal Review Committee met with the City Clerk, City Manager, Chief of Police, City Attorneys and Open Space Staff on September 27, 2018 and provided guidance on revisions to be made to the Municipal Code amendments. The Legal Review Committee also motioned to recommend to full City Council to follow staff's recommendation and ban smoking in all City open space and parks, with the exception of the Coal Creek Golf Course. Clarification is needed from the Legal Review Committee regarding the extent of the smoking ban in relation to the Parks definition 14.08.010; staffs' understanding is that the ban would not apply to roadways and avenues.

The City Attorneys further amended the Municipal Code language in accordance with Legal Review Committee direction; Major themes are as follows:

1. Amended definition of "Smoking Instrument" to match the definition found in Chapter 8.56 of LMC
2. Definition for "Director" removed from 4.02.010.
3. Definitions for "Regulatory Sign", "Smoking instrument", "Smoke or Smoking", and "Electronic smoking device" added to 4.02.010.
4. Definition for "Smoking instrument" and "Electronic smoking device" added to 14.08.110.
5. Definition of "Permit" removed from 14.12.
6. Definitions in 14.08 merged into one section instead of individual sections to mirror 4.02.010.
7. "Horseback riding" removed from the definition of Passive recreation in 4.04 and 14.12 since this is not an activity allowed under the open space and parks title.
8. All references to the "parks and recreation department" amended to "Parks, Recreation and Open Space Department" in 4.04 and 14.12.
9. All references to the "Land Management Director" and "Director" amended to "City Manager or Designee" in 4.04 and 14.12.
10. Oxford commas utilized in all sections of chapters 4.04 and 14.12 that contain lists as requested by Legal Review Committee.
11. Structure reformatted with support for staff's previously proposed ordinance groupings in order to improve transparency/ease of interpretation and give chapters 4.04 and 14.12 parallel structure.
12. "Scope; Prohibitions" changed to "Compliance required" in section 4.04.010 to match section 14.12.010 and to increase citizen interpretation.

13. Language in section 4.04.010 mentioning lands recommended for zoning removed as requested by Legal Review Committee.
14. A4 – Reference to “Signs” added and language amended to clarify intent.
15. E1 & E2 – Confirmed that paragliding is already adequately prohibited under chapters 4.04 and 14.12 (in response to question raised by Councilmember Loo).
16. E2 – Metal detecting added as a prohibited use in chapters 4.04 and 14.12.
17. E4 – Language mentioning areas set aside for golfing removed in chapter 4.04 as there are no areas set aside for golfing on City Open Space.
18. F5 – Exception made for Service Animals on Harper Lake Open Space.
19. I4 – Reference to “green belt area” removed in chapter 14.12. Prohibitions in § 14.12.010 extended to all city-owned lands, which is intended cover green belt areas, greenways, streetscapes, etc.
20. I7 – Separate subsection created to prohibit overnight camping in subsections 4.04.010(I) and 14.12.010(I).
21. K2 – “Electronic Smoking Device” added to clarify intent.
22. L2 – Language in subsections i, ii, and iv narrowed from city employees to law enforcement officers, ranger naturalists, firefighters, or emergency or rescue personnel
23. L3 – Subsection added to sections 4.04.010 and 14.12.010 to prohibit citizens from harassing city employees in the course of their daily duties. This will better enable Ranger Naturalists to contact offenders in matters that do not warrant the involvement of City Police.
24. Exceptions – List of prohibitions subject to City Manager or Designee exception updated in chapters 4.04 and 14.12.
25. Enforcement of applicable laws and ordinances – Enforcement capability extended specifically to “ranger naturalists” in chapters 4.04 and 14.12.
26. Enforcement of Rules – “greenbelt areas” removed in 14.12. Prohibitions in § 14.12.010 extended to all city-owned lands, which is intended cover green belt areas, greenways, streetscapes, etc.

**FISCAL IMPACT:**

No direct fiscal impact.

**PROGRAM/SUB-PROGRAM IMPACT:**

Municipal code revisions support Open Space & Trails Maintenance and Management Sub-Programs to better enable Rangers Naturalist to protect and promote “native plants, wildlife, wildlife and plant habitat, cultural resources, agriculture and scenic vistas and appropriate passive recreation” through education and enforcement.

Municipal Code revisions support the Parks Sub-Program empowering Ranger Naturalists to help facilitate the proper and safe use of “popular parks and facilities that provide multiple outdoor opportunities for residents of and visitors to Louisville to enjoy.”



**SUBJECT: ORDINANCE NO. 1760, SERIES 2019**

**DATE: FEBRUARY 21, 2019**

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**RECOMMENDATION:**

City Legal and Parks, Recreation, and Open Space Department staff recommend that the Legal Review Committee accept the revisions proposed in the attached redlined draft, address the comments directed to the Legal Review Committee in the communication, and instruct staff on desired revisions to finalize the ordinance.

**ATTACHMENT(S):**

1. Redlines to Ordinance No. 1760. Series 2018

ORDINANCE NO. \_\_\_\_  
SERIES ~~2018~~2019

AN ORDINANCE ~~REPEALING AND RE-ENACTING WITH AMENDMENTS~~  
~~CERTAIN SECTIONS OF~~AMENDING TITLES 4 AND 14 OF THE LOUISVILLE  
MUNICIPAL CODE CONCERNING REGULATION OF CITY OPEN SPACE AND  
PARKS

**WHEREAS**, the City of Louisville (“City”) is a home rule municipal corporation, duly organized and existing pursuant to the Louisville Home Rule Charter (“Charter”); and

**WHEREAS**, the City has authority under the Charter to adopt ordinances regulating City open space and parks; and

**WHEREAS**, City ordinances regulating use of open space are codified in Title 4 of the Louisville Municipal Code (the “Code”), and City ordinances regulating use of parks and recreation lands and facilities are codified in Title 14 of the Code; and

**WHEREAS**, Titles 4 and 14 of the Code contain various prohibitions relating to City open space and park lands; and

**WHEREAS**, the City Council of the City (the “City Council”) desires to amend the Code to clarify the actions that are prohibited within City open space and parks, and to provide for greater consistency between the prohibitions contained in Titles 4 and 14, so as to encourage greater compliance with and to provide for enhanced enforcement of City rules regulating the use of open space and parks; and

~~**WHEREAS**, the City Council further desires to amend the Code to extend the prohibitions in Chapter 4.04 of the open space title to lands recommended to the City Council for designation as open space by resolution of the open space advisory board; and~~

**Commented [NC1]:** Open Space staff direction: do not extend prohibitions to lands recommended by OSAB for zoning as OS

**WHEREAS**, the City Council further desires to amend the Code to extend the prohibitions in Section 14.12.010 to the Louisville Cemetery; and

**WHEREAS**, the City has established the position of Ranger-Naturalist (“Ranger”), who is ~~a~~ duly authorized to enforce certain provisions of the Code on City open space and park land, including but not limited to the prohibitions contained in Titles 4 and 14; and

**WHEREAS**, some City open space is owned jointly with the County of Boulder or other municipalities; and

**WHEREAS**, the City Council further desires to amend the Code to authorize the Ranger and City law enforcement officers to enforce City ordinances on jointly-owned open space property, and to establish that citations issued for violations are returnable to the Louisville Municipal Court; and

DRAFT – REDLINED IN VIEW OF COMMENTS FROM LEGAL COMMITTEE,  
PROSECUTOR, AND PARKS, RECREATION, AND OPEN SPACE DEPARTMENT –  
GROUPINGS NOT IN REDLINE

WHEREAS, the City Council desires to make other modifications to Titles 4 and 14 of the Code;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF LOUISVILLE, COLORADO:

**Section 1.** Section 4.01.020 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

**Sec. 4.01.020. - Definitions.**

For the purposes of this title, and except as provided in Section 4.04.010, the following words or phrases shall have the following meanings:

A. *Open space* shall mean and include land designated as open space on the city zoning map attached hereto as Attachment A\* as may be amended from time to time by the city council, or as may be designated in the future by the city council upon recommendation of the board. Generally, such lands are undeveloped lands that are owned solely or jointly by the city with the intent that the land would be designated as open space buffers, agricultural land, wildlife corridors, wildlife habitat, or other undesignated undeveloped land. Open space shall not include parks, developed recreation areas, or the 96th Street connection.

B. ~~*Parks* shall mean and include land owned solely or jointly by the city that is designated and/or managed as an active recreation area and/or primarily is composed of irrigated turf designed for public use. Parks shall include, but not be limited to, Memory Square Park, Keith Helart Park, Joe Carnival Park, Annette Brand Park, Pirates Park, Cleo Mudrock Park, Heritage Park, Cottonwood Park, and the park within the Meadows at Coal Creek.~~  
*Parks* means all park land, as defined in Section 1-1 of the home rule charter and all grounds, roadways, avenues, parking lots, and areas and recreation facilities therein.

C. *Developed recreation areas* shall mean and include the Louisville Cemetery and recreational facilities such as the Louisville Recreation Center, multi-purpose athletic fields, baseball fields, softball fields, and golf courses that are owned and managed by the city. Reasonable efforts will be taken by the city to minimize the impact of such areas on open space and natural areas contiguous to open space.

D. *Passive recreation* shall mean and include activities such as hiking, photography, or nature studies, and if specifically designated, bicycling, ~~horseback riding~~, or fishing. No motorized activity will be allowed except for maintenance activities, emergency services, or legal access agreements.

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**Commented [NC2]:** Staff would like the OS definition of parks to match the definition of parks in the parks title (which references the charter).

The definition of parks in the OS title should match that of the parks title because OS prohibitions should not apply to parks, and if the definitions don't match, there's risk of overlap.

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~~E. *Director* shall mean the Director of Land Management for the City of Louisville, and such person's designees.~~

~~F. *Electrical assisted bicycle* shall mean a vehicle having two (2) tandem wheels or two (2) parallel wheels and one (1) forward wheel, fully operable pedals, an electric motor not exceeding seven hundred fifty (750) watts of power, and that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.~~

~~F. *Regulatory sign* shall mean a sign authorized by the parks, ~~and~~ recreation and open space department containing an image, language, or combination of both to indicate or reinforce the regulations of this title, which may include, without limitation, a direction, instruction, order, warning, restriction, regulation, rule, prohibition, or any combination of the foregoing.~~

~~G. *Smoking instrument* shall mean and include cigarettes, cigars, pipes, bongs, joints, blunts, or any other vessel or device containing tobacco or marijuana.~~

~~H. *Smoke or smoking* shall mean the burning, carrying, or possession of any lighted smoking instrument, or the using of an electronic smoking device.~~

~~I. *Electronic smoking device* shall mean an electronic or battery-operated device that provides a vapor of nicotine, THC, or any other substance and the use or inhalation of which simulates smoking. The term shall include every variation of such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-cigarillo, e-pipe, or under any other product name or descriptor.~~

**Section 2.** Chapter 4.04 of the Louisville Municipal Code is hereby repealed and reenacted in its entirety, to read as follows:

Chapter 4.04

USE REGULATIONS—CITY OPEN SPACE

Sec. 4.04.010. ~~Scope; prohibitions~~ Compliance required.

Sec. 4.04.020. Exceptions.

Sec. 4.04.030. Enforcement of applicable laws and ordinances.

Sec. 4.04.040. Enforcement of rules.

Sec. 4.04.050. Hours of use.

**Commented [AH3]:** Change to “Compliance required” to match Parks title and for ease of citizen interpretation.

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- Sec. 4.04.060. Administrative rules and regulations.
- Sec. 4.04.070. Closures.
- Sec. 4.04.080. Violation; penalty.
- Sec. 4.04.090. Group use.

**Sec. 4.04.010. - ~~Scope; prohibitions~~ Compliance required.**

Except as otherwise indicated, this chapter shall apply to open space lands, whether owned solely or jointly by the city, and to all public lakes, ponds, streams, reservoirs, or other bodies of water within or bordering such lands. ~~This chapter shall also apply to city-owned lands recommended to the city council for designation as open space by resolution of the open space advisory board.~~ In the use of such lands or bodies of water, it shall be unlawful for any person to:

**Commented [NC4]:** Legal Review Committee idea: call out (city-owned/jointly-owned) lands that have been recommended as such, then go through zoning process as intended under Charter.

**A. Commercial uses.**

1. Engage in any business or commercial purpose (such as, by way of example and not limitation, races or events; filming movies or commercials; or equipment demonstrations). Individuals engaging in still camera photography are exempt;
2. Conduct sales for profit, except by written permit as provided in section 4.04.020 and in full compliance with the sales tax ordinance of the city;
3. Sell, vend, peddle or distribute any merchandise or property whatsoever, or sell tickets for any event whatsoever, or solicit contributions;
4. Distribute, circulate, give away, throw, ~~or deposit, stick in the ground, or post or affix to any tree, fence, or structure,~~ any handbills, circulars, pamphlets, papers, signs, or advertisements, ~~or post or affix any handbills, circulars, pamphlets, papers or advertisements to any tree, fence or structure;~~

**B. Sound.**

1. Utilize any machine or device for the purpose of amplification of human voice, music, or any other sound;
2. Make loud, disruptive, or unusual noises, ~~which that~~ disturb or tend to disturb the peace and quiet of other persons; ~~or~~

**C. Projectiles.**

DRAFT – REDLINED IN VIEW OF COMMENTS FROM LEGAL COMMITTEE,  
PROSECUTOR, AND PARKS, RECREATION, AND OPEN SPACE DEPARTMENT –  
GROUPINGS NOT IN REDLINE

1. ~~Throw, discharge~~Discharge, take off, land, or operate by remote control any motorized or non-motorized aircraft, manned or unmanned, including but not limited to drones, missiles, rockets, airplanes, helicopters, ultralights, gliders/sailplanes, paragliders, powered parachutes, and hot-air balloons. Emergency landings, as determined by city law and code enforcement officers, are allowed;

Commented [NC5]: The term "throw" might cause the prohibition to apply to paper and balsa wood planes

2. Discharge or carry any firearms (concealed or otherwise), projectile weapons, or explosives of any kind including but not limited to BB guns, pellet guns, air guns, paint ball guns, blow guns, crossbows, longbows, and slingshots; provided, however, that this subsection ~~BB-C.2~~ shall not be construed to prohibit the carrying of a concealed handgun if, at the time of carrying the concealed handgun, the person holds a valid written permit to carry a concealed handgun issued pursuant to C.R.S. 18-12-201, *et seq.*, and is otherwise carrying the concealed weapon in accordance with any applicable state or local law. Further, peace officers on official duty are exempt from this subsection ~~BB-C.2~~;

3. Ignite or launch any fireworks, rockets, hobby rockets, or similar projectile;

**D. Vehicles and bicycles.**

1. Operate, drive, park, or ride upon any vehicle, as defined in the state motor vehicle code [C.R.S. 42-1-102], except upon areas designated for such use. Vehicles in violation of this subsection ~~J-D.1~~ shall be subject to being towed away at owner's expense. Only persons with a disability may park in spaces designated for persons with disabilities. An identifying plate or identifying placard obtained pursuant to C.R.S. 42-3-204, shall be displayed at all times while vehicle is parked in such space;

2. Operate, drive, park, or ride upon any motorcycle, snowmobile, off-highway vehicle, farm tractor, or any other motorized or non-motorized conveyance or device except when posted specifically for such use. This subsection ~~K-D.2~~ shall not apply to vehicles as defined under the state motor vehicle law (which are subject to subsection ~~J-D.1~~, above) or to bicycles (which are subject to subsection ~~L-D.3~~, below);

3. Operate or ride a bicycle or electrical assisted bicycle, except on officially designated roads, bikepaths, and trails and only when those areas are not posted to prohibit such use. Subject to section 4.04.060 of this code, the ~~director-city manager or designee~~ may adopt bicycle and electrical assisted bicycle use restrictions on specific trails or lands regulated under this section when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads. It shall be unlawful for any person to violate the posted restrictions;

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4. Exceptions to the requirements of subsections ~~J, K and L~~  
D.1, D.2, and D.3 may be granted to persons with disabilities, by permission from  
the ~~director~~city manager or designee, for the use of single-rider, motorized and  
non-motorized vehicles adapted for recreational use by people with disabilities;

5. Wash, repair, or service any automobile or other  
conveyance;

6. Fail to yield to other trail users in the manner defined  
herein or as otherwise posted at trailheads. The appropriate order for yielding the  
trail right-of-way is as follows: Bicyclists yield to pedestrians, and bicyclists  
headed downhill yield to bicyclists headed uphill. Yielding the right-of-way  
requires slowing down to a safe speed, establishing communication, being  
prepared to stop, stopping when necessary to allow safe passage, and passing  
safely;

**E. Recreational activity restrictions.**

1. Land with a parachute after skydiving, base jumping, or  
other activity involving a parachute. Emergency landings, as determined by city  
law and code enforcement officers, are allowed;

2. Engage in any of the following activities: hang gliding,  
paragliding, parapenting, parachuting, parasailing, mountain skateboarding,  
skiing, mountain ski-biking, off-road roller blading, metal detecting, or the use of  
remote-controlled land, water, or airborne devices;

3. Engage in any geocaching ~~unless authorized by a written  
permit issued by the director~~. For purposes of this subsection, “Geocaching”  
means a recreational activity requiring participants to search for hidden items  
using global positioning system coordinates retrieved from an internet website or  
other source;

4. Drive, putt, or in any other fashion play or practice golf or  
use golf balls or golf clubs, ~~except in areas set aside and posted for that purpose~~;

**F. Pets and livestock.**

1. Bring or maintain any dog or other animal on lands or in  
bodies of water regulated under this section, unless such dog or other animal is  
kept at all times on a leash not to exceed 10 feet in length and is under the  
physical control of its owner or custodian, except in "dog off-leash" and “dog  
park” areas, where dogs may be off leash only in accordance with the rules and  
regulations ~~application-applicable~~ to such dog off-leash and dog park areas.

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Notwithstanding the foregoing, no person shall bring or maintain any dog or other animal on lands or in bodies of water regulated under this section that is ~~known or deemed by city staff to be~~ aggressive or in heat, regardless of whether that dog or other animal is kept on a leash under the physical control of its owner or custodian;

2. To not immediately pick up and properly dispose of any feces in a waste receptacle from any dog or other animal under such person's ownership or care;

3. Release, abandon, leave, or deposit any animal, whether dead or alive;

4. Pasture, graze, maintain, ride, or walk any livestock, including but not limited to cattle, sheep, goats, donkeys, llamas, alpacas, or horses;

5. Bring or maintain any dog or other animal on Harper Lake Open Space; except that, this subsection shall not be construed to prohibit the bringing or maintaining of service animals, as that term is defined in the Americans with Disabilities Act, on Harper Lake Open Space;

**G. Bodies of water.**

1. Swim, dive, wade, ice skate, or ice fish in or on any lake, pond, stream, reservoir, or other body of water;

2. Boat on any lake, pond, stream, reservoir, or other body of water; except that, boating is permitted on Harper Lake. Any boat used on Harper Lake must display a valid city permit;

**H. Waste and glass.**

1. Leave any garbage, trash, cans, bottles, papers, or other refuse elsewhere than in the receptacles provided therefor. It is unlawful for any person to use the receptacles provided for the purpose of depositing yard clippings or other garbage or trash generated on private property. It is unlawful for any person to deposit yard waste, soil, or landscaping materials on lands or in bodies of water regulated under this section;

2. Bring onto or use on any lands or in bodies of water regulated under this section any glass or other breakable container;

**I. Trespass.**

**Commented [NC6]:** Service animals are trained to do specific tasks for owners with disabilities. Under the ADA, a disabled person with a registered service animal cannot be prohibited from bringing that animal on/in public facilities.

Emotional support animals also assist persons with disabilities (mental or emotional), but do not receive the full protections of a service animal under the ADA. A person with a registered emotional support animal cannot be restricted from living with or flying with the animal, but the ADA does not prohibit authorities from restricting their presence in public facilities (e.g., parks and OS)



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1. Encroach into any lands regulated under this section with any private improvements, including but not limited to gardens, landscaping, fences, paths, or compost piles, or store any personal property lands regulated under this section;

2. Use or attempt to use or interfere with the use of any table, space, area, building, or facility which at the time is reserved for any other person or group by a permit from the director~~city manager or designee~~. Unless the actual use of the table, space, area, building, or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate;

3. Leave any items of personal property unattended in excess of twenty-four hours. Items of personal property left unattended in excess of twenty-four hours shall be deemed abandoned, and shall be disposed of by the city in accordance with applicable law;

4. Enter or remain in any land or body of water regulated under this section outside of the hours of use set forth in 4.04.050. ~~There is no camping allowed on any lands regulated under this section.~~ Automobiles and other conveyances may not be parked, abandoned, or otherwise remain in city parking lots during closed hours, except as follows:

**Commented [NC7]:** Camping prohibition separated out, below.

i. During attendance at a function conducted or sponsored by the city;

ii. During attendance at a function which has been issued a permit;

iii. By a city employee acting in the performance of such employee's duties;

iv. With the prior written consent of the director~~city manager or designee~~; or

v. In areas as otherwise posted.

Vehicles in violation of this subsection shall be subject to being towed away at owner's expense;

5. Enter or remain within lands that are closed in accordance with section 4.04.070;

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6. Bring or allow an animal under such person's control to enter or remain within lands that are closed to such animal in accordance with section 4.04.070;

7. Camp on any lands regulated under this section:

**J. Wildlife and natural resources.**

1. Take, seize, feed, pursue, trap, harass, disturb, molest, injure, or hunt any animal, fish, wildlife, or livestock; except that, fishing is allowed in Harper Lake, the Warembourg Fishing Pond, and Lake Park in accordance with state fishing laws;

2. Take, seize, harass, disturb, molest, injure, remove, damage, or deface any animal habitat;

3. Dig, remove, destroy, injure, mutilate, collect, deface, mark, write or print upon, pollute, break or cut, or attach any card, sign, display, or similar device to, any natural or cultural resource or any portion thereof, including but not limited to trees, grass, soil, and rock, or any man-made feature, including but not limited to buildings, cages, pens, monuments, signs, fences, kiosks, benches, tables, apparatus, or equipment. The building or maintaining of private paths or paths not authorized by the city (including but not limited to paths consisting of rock, flagstone, or mowed or cut grass or plants) is prohibited;

4. Collect firewood or build, light, or maintain a fire, grill, or stove;

5. Conduct research projects that require the use of equipment or that impact natural resources. The prohibition in this subsection is not intended to prohibit passive nature studies that do not disturb the land or natural resources contained thereon;

**K. Alcohol, smoking, and vaping.**

1. Use, distribute, or consume any alcoholic beverages or 3.2 beer except in conformance with the statutes of the state and ordinances of the city regarding the sale or consumption of alcoholic beverages;

2. Smoke or carry any lighted smoking instrument or electronic smoking device;

**Commented [NC8]:** While the definition of "smoke" covers the using of an electronic smoking device, the addition of "or electronic smoking device" makes the prohibition on vaping clearer.

**L. Insubordination.**

1. Violate any posted regulatory sign;

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2. Knowingly obstruct, impair, or hinder the performance of the official duties of any employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel of the city. Without limiting the generality of the foregoing, no person shall:

i. Fail to comply with a lawful request of a city employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel;

ii. Attempt to elude or evade a city employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel who has made a request or given an order in accordance with this section;

iii. Harass a city employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel; or

iv. Provide false or misleading information with the intent to mislead the city employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel in the performance of ~~the~~ employee's such person's duties;

3. Harass a city employee; or

~~34.~~ Engage in any careless or reckless behavior or activity that constitutes a hazard to the person's own safety or to the safety or security of other persons or property.

**Sec. 4.04.020. – Exceptions.**

A. City employees, city volunteers, city contractors, firefighters, emergency and rescue personnel, or and law enforcement officers acting in the performance of their duties are exempt from the prohibitions in section 4.04.010.

B. The director city manager or designee may, in the director city manager or designee's sole discretion, grant exceptions by written permit or, where appropriate, by revocable license agreement to the specific prohibitions set forth in subsections A.1, A.2, A.3, A.4, B.1, D.1, D.2, D.4, E.3, G.1, G.2, I.1, I.2, I.4, I.5, I.7, J.5, and K.2 A, B, C, D, E, I, K, M, R, BB and DD of section 4.04.010. An exception permit granted by the director city manager or designee shall be valid for a period of no more than fourteen consecutive days or twenty-one nonconsecutive days two weeks. The permit shall name the person or group receiving the exception, shall detail the specific prohibition(s) from which the person or group is excepted, shall state the date of issuance and date of expiration,

Commented [NC9]: Added as L.3

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and shall state any terms and conditions relating to such exception permit. Any person who has obtained an un-expired written permit shall not be in violation of the prohibition(s) from which the person was excepted.

**Sec. 4.04.030. - Enforcement of applicable laws and ordinances.**

All persons entering lands or bodies of water regulated under section 4.04.010 shall abide by the rules and regulations of the city, as provided in this chapter and elsewhere in this code, the rules and regulations adopted in accordance with section 4.04.060, and the instructions and directions of duly authorized agents, employees, ranger naturalists, or law enforcement officers of the city acting in their official capacity.

**Sec. 4.04.040. - Enforcement of rules.**

The ~~director~~city manager or designee, ranger naturalists, and any law enforcement officers acting in the line of duty shall have the authority to enforce the provisions of this chapter and shall have the authority to eject from any lands or bodies of water regulated under section 4.04.010 any person acting in violation of the provisions of this chapter. Further, the ~~director~~city manager or designee shall have the authority to deny use of any lands or bodies of water regulated under section 4.04.010 to individuals or groups who refuse to comply with the provisions of this chapter and regulations promulgated hereunder. All summonses and complaints issued on open space owned jointly by the city for violation of this title shall be returnable to the Louisville Municipal Court.

**Sec. 4.04.050. - Hours of use.**

Unless otherwise posted, lands and bodies of water regulated under section 4.04.010 shall be open daily from one hour prior to sunrise until one hour after sunset.

**Sec. 4.04.060. - Administrative rules and regulations.**

The ~~director~~city manager or designee is authorized to ~~propose~~adopt administrative rules and regulations not inconsistent with and that supplement the provisions of this chapter ~~to the city manager. The city manager is authorized to deny, adopt or modify and adopt such rules and regulations.~~ All persons shall comply with such rules and regulations, which shall take effect upon their adoption by the city manager or designee. The city manager, or the city manager's designee, shall, within two days of adopting any administrative rules or regulations pursuant to this section, send notification to the city council of such action. The city council may rescind or modify administrative rules or regulations adopted by the city manager or designee. Rules and regulations adopted by the

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city manager or designee, and as may be modified by city council, shall remain in effect for ninety days after their adoption by the city manager or designee, unless sooner rescinded by the ~~city manager or~~ city council.

**Sec. 4.04.070. - Closures.**

The ~~director~~city manager or designee may from time to time close all or a portion of any land or body of water regulated under section 4.04.010, to the public or to certain animals, or both, as the ~~director~~city manager or designee determines necessary or desirable due to wildlife, vegetation, management review, contractual agreement, or public safety concerns. A closure by the ~~director~~city manager or designee shall be for a temporary, fixed period of time; except that, a closure may be permanent if consented to by the city council. Within two business days of making a decision to close all or a portion of any land or body of water regulated under section 4.04.010, the ~~director~~city manager or designee ~~or the director's designee~~ shall send notification of the closure to the ~~city manager and~~ city council. The ~~city manager or~~ city council may rescind or modify the decision of the ~~director~~city manager or designee. All closures shall be posted at the property or body of water subject to the closure.

**Sec. 4.04.080. - Violation; penalty.**

It shall be unlawful for any person to violate any provision of this chapter, and any person found guilty of violating any provision of this chapter shall be punished for each violation as provided in section 1.28.010.

**Sec. 4.04.090. - Group use.**

Group use reservations are required for use by any group of 25 or more persons of any open space land, whether owned solely or jointly by the city, ~~or any city owned lands recommended to the city council for designation as open space by resolution of the open space advisory board~~. Requests must include the group affiliation, date and time of use, trails or areas to be used, and other details of the use. If, in the opinion of the city council or the ~~director~~city manager or designee the activity will cause significant impact to the natural environment or will require significant departmental resources, the city may impose a fee to cover costs expected to be incurred by the parks, ~~and~~ recreation and open space department, or deny permission for the activity. Any fee imposed under this section shall be in an amount established by the city manager or designee.

**Section 3.** Chapter 14.08 of the Louisville Municipal Code is hereby deleted and replaced~~amended by the addition of a new section 14.08.090~~, to read as follows:

**Commented [NC10]:** Staff comment: Open Space suggests that the definitions in 14.08 be combined into one chapter, mirroring 4.02 to aid in parallel structure.

Chapter 14.08

**DEFINITIONS**

Sec. 14.08.010. Definitions.

**Sec. 14.08.010.- Definitions.**

For the purposes of this title, the following words or phrases shall have the following meanings:

*Amplified sound* means speech or music projected or transmitted by electronic equipment, including amplifiers, loudspeakers, microphones, bull horns or similar devices or combinations of devices which are intended to increase the volume, range, distance or intensity of speech or music and are powered by electricity, battery or combustible fuel.

*Buildings* means and includes those buildings, or any portion thereof, under the supervision of the city and its department of parks and recreation.

*Director* means the director of the department of parks and recreation or his designated agent or employee. The director shall make and publish such regulations, not inconsistent with the terms of this title, as necessary for the orderly use and management of the city's park and recreation facilities and programs.

**Commented [NC11]:** Left this definition in because director still used in 14.16.

*Electrical assisted bicycle* means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power and that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

*Parks* means all park land, as defined in Section 1-1 of the home rule charter and all grounds, roadways, avenues, parking lots, and areas and recreation facilities therein.

*Recreation facilities* means specialized recreation facilities such as swimming pools, tennis courts, ballfields, and similar facilities under the supervision of the city department of parks and recreation.

*Regulatory sign* means a sign authorized by the parks, recreation and open space department containing an image, language, or combination of both to indicate or reinforce the regulations of this title, which may include, without limitation, a direction, instruction, order, warning, restriction, regulation, rule, prohibition, or any combination of the foregoing.

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Smoking instrument means and includes cigarettes, cigars, pipes, bongs, joints, blunts, or any other vessel or device containing tobacco or marijuana.

Smoke or smoking shall mean the burning, carrying, or possession of any lighted smoking instrument, or the using of an electronic smoking device.

Electronic smoking device shall mean an electronic or battery-operated device that provides a vapor of nicotine, THC, or any other substance and the use or inhalation of which simulates smoking. The term shall include every variation of such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-cigarillo, e-pipe, or under any other product name or descriptor.

**Sec. 14.08.090. – Regulatory sign.**

~~Regulatory sign~~ means a sign authorized by the parks and recreation department containing an image, language or combination of both to indicate or reinforce the regulations of this title, which may include, without limitation, a direction, instruction, order, warning, restriction, regulation, rule, prohibition or any combination of the foregoing.

~~Section 4.~~ Chapter 14.08 of the Louisville Municipal Code is hereby amended by the addition of a new section 14.08.100, to read as follows:

**Sec. 14.08.100. – Smoking instrument.**

~~Smoking instrument~~ means and includes cigarettes, cigars, pipes, bongs, joints, blunts or any other vessel or device containing tobacco or marijuana.

**Section 57.** Chapter 14.12 of the Louisville Municipal Code is hereby repealed and reenacted in its entirety, to read as follows:

Chapter 14.12

**COMPLIANCE WITH REGULATIONSUSE REGULATIONS—CITY-OWNED LANDS  
AND BODIES OF WATERS**

- Sec. 14.12.010. Compliance required.
- Sec. 14.12.020. Exceptions.
- Sec. 14.12.030. Enforcement of applicable laws and ordinances.
- Sec. 14.12.040. Enforcement of rules.
- Sec. 14.12.050. Hours of use.
- Sec. 14.12.060. Administrative rules and regulations.

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Sec. 14.12.070. Closures.

Sec. 14.12.080. Violation; penalty.

**Sec. 14.12.010. - Compliance required.**

Except where otherwise indicated, this section shall apply to all city-owned lands including but not limited to parks, city-owned paths or trails, and the Louisville Cemetery, and all buildings, recreation facilities, city-owned paths or trails, the Louisville Cemetery, and lakes, reservoirs, or other bodies of water within the city; except that, this section shall not apply to lands or bodies of water regulated under chapter 4.04 of the Code. In the use of such lands, buildings, facilities, paths, trails, or bodies of water it shall be unlawful for any person to:

**Commented [NC12]:** Intent to exclude open space so no overlap b/w titles

**A. Commercial uses.**

1. Engage in any business or commercial purpose (such as, by way of example and not limitation, races or events; filming movies or commercials; or equipment demonstrations). Individuals engaging in still camera photography are exempt;

2. Conduct sales for profit, except by written permit as provided in section 14.12.020 and in full compliance with the sales tax ordinance of the city;

3. Sell, vend, peddle, or distribute any merchandise or property whatsoever, or sell tickets for any event whatsoever, or solicit contributions;

4. Distribute, circulate, give away, throw, ~~or deposit,~~ stick in the ground, or post or affix to any tree, fence, or structure, any handbills, circulars, pamphlets, papers, signs, or advertisements, ~~or post or affix any handbills, circulars, pamphlets, papers or advertisements to any tree, fence or structure;~~

**B. Sound.**

1. Utilize any machine or device for the purpose of amplification of human voice, music, or any other sound;

2. Make loud, disruptive, or unusual noises, ~~which~~ that disturb or tend to disturb the peace and quiet of other persons;

**C. Projectiles.**



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1. ~~Throw, discharge~~Discharge, take off, land, or operate by remote control any motorized or non-motorized aircraft, manned or unmanned, including but not limited to drones, missiles, rockets, airplanes, helicopters, ultralights, gliders/sailplanes, paragliders, powered parachutes, and hot-air balloons. Emergency landings, as determined by city law and code enforcement officers, are allowed;

2. Discharge or carry any firearms (concealed or otherwise), projectile weapons, or explosives of any kind including but not limited to BB guns, pellet guns, air guns, paint ball guns, blow guns, crossbows, longbows, and slingshots; provided, however, that this subsection ~~BB-C.2~~ shall not be construed to prohibit the carrying of a concealed handgun if, at the time of carrying the concealed handgun, the person holds a valid written permit to carry a concealed handgun issued pursuant to C.R.S. 18-12-201 et seq., and is otherwise carrying the concealed weapon in accordance with any applicable state or local law. Further, peace officers on official duty are exempt from this subsection ~~BB-C.2~~. It is also an exception to this subsection ~~BB-C.2~~ that the discharge of firearms at military funerals or similar occasions within the Louisville Cemetery may be authorized pursuant to section 14.24.150(F) of this code;

3. Ignite or launch any fireworks, rockets, hobby rockets, or similar projectile;

**D. Vehicles and bicycles.**

1. Operate, drive, park, or ride upon any vehicle, as defined in the state motor vehicle code [C.R.S. 42-1-102], except upon areas designated for such use. Vehicles in violation of this subsection ~~JD.1~~ shall be subject to being towed away at owner's expense. Only persons with a disability may park in spaces designated for persons with disabilities. An identifying plate or identifying placard obtained pursuant to C.R.S. 42-3-204, shall be displayed at all times while vehicle is parked in such space;

2. Operate, drive, park, or ride upon any motorcycle, snowmobile, off-highway vehicle, farm tractor, or any other motorized or non-motorized conveyance or device except when posted specifically for such use. This subsection ~~K-D.2~~ shall not apply to vehicles as defined under the state motor vehicle law (which are subject to subsection ~~JD.1~~, above) or to bicycles (which are subject to subsection ~~L-D.3~~, below);

3. Operate or ride a bicycle or electrical assisted bicycle, except on officially designated roads, bikepaths, and trails and only when those areas are not posted to prohibit such use. Subject to section 14.12.060 of this code, the ~~director-city manager or designee~~ may adopt bicycle and electrical assisted bicycle use restrictions on specific trails or open space areas when such

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restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads. It shall be unlawful for any person to violate the posted restrictions;

4. Exceptions to the requirements of subsections ~~J, K and L~~ D.1, D.2, and D.3 may be granted to persons with disabilities, by permission from the ~~director~~city manager or designee, for the use of single-rider, motorized and non-motorized vehicles adapted for recreational use by people with disabilities;

5. Wash, repair, or service any automobile or other conveyance;

6. Fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: Bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, establishing communication, being prepared to stop, stopping when necessary to allow safe passage, and passing safely;

**E. Recreational activity restrictions.**

1. Land with a parachute after skydiving, base jumping, or other activity involving a parachute. Emergency landings, as determined by city law and code enforcement officers, are allowed;

2. Engage in any of the following activities: hang gliding, paragliding, parapenting, parachuting, parasailing, mountain skateboarding, skiing, mountain ski-biking, off-road roller blading, metal detecting, or the use of remote-controlled land, water, or airborne devices;

3. Engage in geocaching unless authorized by a written permit issued by the ~~director~~city manager or designee, except that geocaching is never authorized in the Louisville Cemetery. For purposes of this subsection, “Geocaching” means a recreational activity requiring participants to search for hidden items using global positioning system coordinates retrieved from an internet website or other source;

4. Drive, putt, or in any other fashion play or practice golf or use golf balls or golf clubs, except as permitted at the Coal Creek Golf Course, except in areas set aside and posted for that purpose;

**F. Pets and livestock.**

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1. Bring or maintain any dog or other animal upon lands or in buildings, facilities, or bodies of water regulated under this section unless such dog or other animal is kept at all times on a leash not to exceed 10 feet in length and is under the physical control of its owner or custodian, except in "dog off-leash" and "dog park" areas, where dogs may be off leash only in accordance with the rules and regulations ~~application applicable~~ to such dog off-leash and dog park areas. Notwithstanding the foregoing, no person shall bring or maintain any dog or other animal upon lands or in buildings, facilities, or bodies of water regulated under this section that is ~~known or deemed by city staff to be~~ aggressive or in heat, regardless of whether that dog or other animal is kept on a leash under the physical control of its owner or custodian;

2. To not immediately pick up and properly dispose of any feces in a waste receptacle from any dog or other animal under such person's ownership or care;

3. Release, abandon, leave, or deposit any animal, whether dead or alive;

4. Pasture, graze, maintain, ride, or walk any livestock, including but not limited to cattle, sheep, goats, donkey, llamas, alpacas, or horses;

**G. Bodies of water.**

1. Swim, dive, wade, ice skate, or ice fish ~~in or~~ on any lake, pond, stream, reservoir, or other body of water;

2. Boat on any lake, pond, stream, reservoir, or other body of water;

**H. Waste and glass.**

1. Leave any garbage, trash, cans, bottles, papers, or other refuse elsewhere than in the receptacles provided therefor. It is unlawful for any person to use the receptacles provided for the purpose of depositing yard clippings or other garbage or trash generated on private property. It is unlawful for any person to deposit yard waste, soil, or landscaping materials in or upon any lands, buildings, facilities, or bodies of water regulated under this section;

2. Bring onto or use within lands, buildings, facilities, or bodies of water regulated under this section any glass or other breakable container;

**I. Trespass.**

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1. Encroach into lands regulated under this section with any private improvements, including but not limited to gardens, landscaping, fences, paths, or compost piles, or store any personal property on lands regulated under this section;

2. Use or attempt to use or interfere with the use of any table, space, area, building, or facility which at the time is reserved for any other person or group by a permit from the director, city manager or designee. Unless the actual use of the table, space, area, building, or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate;

3. Leave any items of personal property unattended in excess of twenty-four hours. Items of personal property left unattended in excess of twenty-four hours shall be deemed abandoned, and may be disposed of by the city in accordance with applicable law;

4. Enter or remain in a park or greenbelt area outside of the hours of use set forth in 14.12.050. There is no camping allowed on any land regulated under this section. Automobiles and other conveyances may not be parked, abandoned, or otherwise remain in city parking lots, including without limitation the parking lots of the Louisville Sports Complex, during closed hours, except as follows:

i. During attendance at a function conducted or sponsored by of the city;

ii. During attendance at a function which has been issued a permit;

iii. By a city employee acting in the performance of such employee's duties;

iv. With the prior written consent of the director, city manager or designee; or

v. In areas as otherwise posted.

Vehicles in violation of this subsection shall be subject to being towed away at owner's expense;

5. Enter or remain within lands that are closed in accordance with section 14.12.070;

**Commented [NC13]:** Camping prohibition moved below

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6. Bring or allow an animal under such person's control to enter or remain within lands that are closed to such animal in accordance with section 14.12.070;

7. Camp on any lands regulated under this section:

**J. Wildlife and natural resources.**

1. Take, seize, feed, pursue, trap, harass, disturb, molest, injure, or hunt any animal, fish, wildlife, or livestock in any park or building, or portion thereof;

2. Take, seize, harass, disturb, molest, injure, remove, damage, or deface any animal habitat;

3. Dig, remove, destroy, injure, mutilate, collect, deface, mark, write or print upon, pollute, break or cut, or attach any card, sign, display, or similar device to, any natural or cultural resource or any portion thereof, including but not limited to trees, grass, soil, and rock, or any man-made feature, including but not limited to buildings, cages, pens, monuments, signs, fences, kiosks, benches, tables, apparatus, or equipment. The building or maintaining of private paths or paths not authorized by the city (including but not limited to paths consisting of rock, flagstone, or mowed or cut grass or plants) is prohibited;

4. Collect firewood or build, light, or maintain a fire, unless such fire is kept within a gas stove or grill with a barrier to protect the ground from grease; except that, all fires are prohibited at the Louisville Sports Complex, excluding the parking lot where gas stoves and grills are permitted. The foregoing notwithstanding, burning of wood and charcoal is prohibited within all lands, buildings, facilities, or bodies of water regulated under this section;

5. Conduct research projects that require the use of equipment or that impact natural resources. The prohibition in this subsection is not intended to prohibit passive nature studies that do not disturb the land or natural resources contained thereon;

**K. Alcohol, smoking, and vaping.**

1. Use, distribute, or consume any alcoholic beverages or 3.2 beer ~~in parks or community buildings~~ except in conformance with the statutes of the state and ordinances of the city regarding the sale or consumption of alcoholic beverages. Use, consume, or distribute any alcoholic beverage, malt liquor, spirituous liquor, 3.2 beer, or vinous liquor, in any park owned by the R-E-2 school district and leased by the city, during regular school hours;

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2. Smoke or carry any lighted smoking instrument or electronic smoking device, except that tobacco, electronic smoking devices not containing THC or other cannabinoids, and nicotine may be smoked in open air areas of the Coal Creek Golf Course in accordance with chapter 8.56 of this code;

L. **Insubordination.**

1. Violate any posted regulatory sign;

2. Knowingly obstruct, impair, or hinder the performance of the official duties of any employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel ~~of the city~~. Without limiting the generality of the foregoing, no person shall:

i. Fail to comply with a lawful request of a city employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel;

ii. Attempt to elude or evade a city employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel who has made a request or given an order in accordance with this section;

iii. Harass a city employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel; or

iv. Provide false or misleading information with the intent to mislead the city employee law enforcement officer, ranger naturalist, firefighter, or emergency or rescue personnel in the performance of ~~the employee's~~ such person's duties;

3. Harass a city employee; or

~~34.~~ Engage in any careless or reckless behavior or activity that constitutes a hazard to the person's own safety or to the safety or security of other persons or property; ~~or~~

**Sec. 14.12.020. – Exceptions.**

A. City employees, city volunteers, city contractors, firefighters, emergency and rescue personnel, or and law enforcement officers acting in the performance of their duties are exempt from the prohibitions in section 14.12.010.

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B. The ~~director-city manager or designee~~ may, in the director's sole discretion, grant exceptions by written permit or, where appropriate, by revocable license agreement, to the specific prohibitions ~~in subsections A, B, C, D, AA and CC of~~ offset forth in section 14.012.010, except that the city manager or designee shall not grant exceptions to the prohibitions set forth in subsections H.1, I.2, I.3, J.1, L.1, L.3, and L.4. ~~An exception permit granted by the director shall be valid for a period of no more than two weeks.~~ The permit shall name the person or group receiving the exception, shall detail the specific prohibition(s) from which the person or group is excepted, shall state the date of issuance and date of expiration, and shall state any terms and conditions relating to such exception permit. Any person who has obtained an un-expired written permit shall not be in violation of the prohibition(s) from which the person was excepted.

**Sec. 14.12.030. - Enforcement of applicable laws and ordinances.**

All persons entering lands, buildings, facilities, or bodies of water regulated under section 14.12.010, shall abide by the rules and regulations of the city, as provided in this chapter and elsewhere in this code, the rules and regulations promulgated by the director, and the instructions and directions of duly authorized agents, employees, ranger naturalists, or law enforcement officers of the city acting in their official capacity.

**Sec. 14.12.040. - Enforcement of rules.**

The ~~director-city manager or designee,~~ ranger naturalist, and any law enforcement officers acting in the line of duty shall diligently enforce the provisions of this title and shall have the authority to eject from any land, building, facility, or body of water regulated under section 14.12.010 any person acting in violation of these rules and regulations. Further, the ~~director-city manager or designee~~ shall have the authority to deny use of lands, buildings, facilities, or bodies of water regulated under section 14.12.010 to individuals or groups who refuse to comply with the provisions of this chapter and regulations promulgated hereunder. All summonses and complaints issued on lands, buildings, facilities, or bodies of water regulated under this title for violation of this title shall be returnable to the Louisville Municipal Court.

**Sec. 14.12.050. - Hours of use.**

The parks ~~and greenbelt areas~~ within the city shall be open daily from 6:00 a.m. until 10:00 p.m., unless a special permit is obtained from the parks, ~~and~~ recreation and open space department to extend these hours.

**Sec. 14.12.060. - Administrative rules and regulations.**

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GROUPINGS NOT IN REDLINE**

The ~~director~~ city manager or designee is authorized to ~~propose~~ adopt administrative rules and regulations not inconsistent with and that supplement the provisions of this chapter ~~to the city manager. The city manager is authorized to deny, adopt or modify and adopt such rules and regulations.~~ All persons shall comply with such rules and regulations, which shall take effect upon their adoption by the city manager or designee. The city manager, or the city manager's designee, shall, within two days of adopting any administrative rules or regulations pursuant to this section, send notification to the city council of such action. The city council may rescind or modify administrative rules or regulations adopted by the city manager or designee. Rules and regulations adopted by the city manager or designee, and as may be modified by city council, shall remain in effect for ninety days after their adoption by the city manager or designee, unless sooner rescinded by the ~~city manager~~ city council.

**Sec. 14.12.070. - Closures.**

The ~~director~~ city manager or designee may from time to time close all or a portion of any land, building, facility, or body of water regulated under section 14.12.010, to the public or to certain animals, or both, as the ~~director~~ city manager or designee determines necessary or desirable due to wildlife, vegetation, management review, contractual agreement, or public safety concerns. A closure by the ~~director~~ city manager or designee shall be for a temporary, fixed period of time; except that, a closure may be permanent if consented to by the city council. Within two business days of making a decision to close all or a portion of any land, building, facility, or body of water regulated under section 14.12.010, the ~~director or the director's~~ city manager or designee shall send notification of the closure to the city manager and city council. The city manager or city council may rescind or modify the decision of the ~~director~~ city manager or designee. All closures shall be posted at the land, building, facility, or body of water subject to the closure.

**Sec. 14.12.080. - Violation; penalty.**

It shall be unlawful for any person to violate any provision of this chapter, and any person found guilty of violating any provision of this chapter shall be punished for each violation as provided in section 1.28.010.

**Section 68.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 79.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred



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under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 810.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED  
PUBLISHED** this \_\_\_\_ day of \_\_\_\_\_, ~~2018~~2019.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

\_\_\_\_\_  
Meredyth Muth, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
~~Light~~ Kelly, P.C., City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING**, this \_\_\_\_ day of \_\_\_\_\_, ~~2018~~2019.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

\_\_\_\_\_  
Meredyth Muth, City Clerk